IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 346 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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ADHIR BAIJNATH SHARMA

Versus

AHMEDABAD ELECTRICITY CO. LTD.

Appearance:

1. Appeal from Order No. 346 of 2001

MR HR PRAJAPATI for Petitioner No. 1

..... for Respondent No. 1

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 03/09/2001

ORAL JUDGEMENT

#. Admit. Learned advocate Mr.K.B.Pujara waives.

#. Both the learned advocate agreed to hear this appeal finally on 7.8.2001 and hence the appeal was heard finally on that day alongwith the application of

condonation of delay and has been kept for dictating order today.

#. Though it was objected by learned advocate Mr.K.B.Pujara urging that the order of the trial Judge dismissing the notice of motion of the plaintiff -appellant is correct one and requires no interference, it appears to this Court that there are substantial question of law as well as of the fact which are required to be tried by the trial Court.

#. The controversy which is raised is regarding the application of Section 26(6) of the Indian Electricity Act and other disputes of like nature. These disputes can be decided by the evidence adduced by both the parties and, therefore, without entering into the merits of this appeal it appears that in the interest of justice the trial Court is required to direct to dispose of the Civil Suit expeditiously.

#. The case pertains to the recovery of the electricity bill of Rs.42,545/- which is disputed by the present appellant as being the consumer of present respondent Ahmedabad Electricity Co. Ltd. While dealing with at interim stage the present appellant was granted interim stay against the recovery of the bill amount on condition that the appellant should deposit before the trial Court an amount of Rs.7500/- out of the amount of the bill claimed against the appellant. In the interest of justice it is further directed that the appellant -plaintiff shall deposit remaining amount of the bill of Rs.42,545/- before the trial Court within six months from today and on that condition the present respondent is restrained from disconnecting the electricity supply which is mentioned in the suit provided to the present appellant vide Consumer No.826242, Group No.208 and Reader No.57 till disposal of the Civil Suit No.377/1999.

#. The learned trial Judge is directed to hear and dispose of the Civil Suit No.377/1999 according to law as expeditiously as possible but not lesser than 8 months from today. Office is directed to transmit the writ of this Court to the trial Court as early as possible.

#. In this view of the matter, the Appeal From Order is allowed to above extent. No order as to costs.

(J. R. VORA, J.)

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